Conference Outcomes

Sections within this policy include:

- General information regarding outcome plans

- Developing outcome plans (including):
  - Considerations
  - Questions to test outcome plans
  - What shouldn’t be in an outcome plan
  - Components of outcome plans
  - Outcome plans involving making of written apologies
  - Outcomes involving reparation to victim/community
  - Activities to be undertaken by young person
  - Maximum number of hours
  - Financial reparation
  - Compensation
  - Limits to financial reparation
  - Participation by young person in a program &/or actions towards community integration
  - OHS Considerations in development of an outcome plan
  - SMARTS
  - Specific details
  - Review dates
  - Recommendations & referrals

- Issues with outcome plans
  - Reconvening a youth justice conference
  - Considering reconvening a conference
  - Consultation with victim & other participants
  - Decisions at a reconvened conference
  - Court referrals

- Making minor modifications to an outcome plan

- Deeming an outcome plan ‘satisfactorily complete’
General

It's important all participants come to a conference with a good appreciation of their role and realistic expectations about the conference process. During the preparation stage, Convenors must advise participants of decision-making processes and possibilities and limitations of outcome plans. Participants must have been given appropriate written material (Fact Sheets) before conference commences.

While an outcome plan places an obligation(s) on young person, it shouldn't place obligations on any other person. There’s no mechanism to enforce these or take action regarding non-compliance (section 52(1)).

Developing outcome plans

Considerations

Obligation placed on a young person by an outcome plan should relate directly to the circumstances of offending behaviour and offence itself.

Where a conference is convened for a relatively minor offence by a young person without an extensive record of offending, the outcome plan shouldn’t be onerous.

It’s important to appreciate significance of conference process itself in terms of addressing offending behaviour. A conference represents an outcome itself and this should be acknowledged in development of additional obligations in an outcome plan.

There may also have been significant progress made during course of conference by young person in meeting victim’s needs and facing up to consequences of their offending behaviour. For example, they may’ve offered, and victim accepted, a verbal apology and/or provided other appropriate acknowledgement to a victim. This should be recorded in outcome plan and should be acknowledged in development of additional obligations in outcome plan.

Another area where this is particularly important is where a school is involved and has engaged its own disciplinary processes, or similarly, behavioural/disciplinary consequences imposed in young person’s family.

Where an outcome plan requires a young person to perform work, conference participants must consider:

- occupational health and safety implications for young person
- relevance of such work relating to offence committed and harm caused. A Convenor must ensure young people don’t agree to perform tasks that may be unsafe and/or place them in an environment that exposes them to risk.

Conference participants must consider nature of work to be undertaken and person or agency hosting work must provide appropriate instruction to young person, as they would any volunteer or employee. Outcomes must be Specific, Measurable & Monitored, Achievable & Appropriate, Realistic & Relevant, Time-framed, Safe & Supported (see S.M.A.R.T.S).

Questions to test outcome plans

These questions should be considered to facilitate outcomes in accordance with Young Offenders Act 1997:

Guidelines for Youth Justice Conferencing
NSW Juvenile Justice
has young person been held accountable and encouraged to accept responsibility for their offending behaviour?

has young person been dealt with in a way that acknowledged their needs without seeing those needs as an excuse for their offending?

has young person been dealt with in a way that will give them the opportunity to develop in a beneficial, responsible and socially acceptable way?

are sanctions most likely to facilitate young person’s development within their family and/or community?

does plan provide for repairing harm for victim?

are all aspects of plan appropriate to young person's:

  - culture
  - age
  - level of development
  - gender and sexuality
  - individual needs, particularly disabilities/ alienation from family?

is focus of plan on repairing harm rather than punishment?

what order would Children's Court have imposed in this case? Is outcome plan no more severe than this?

What shouldn’t be in an outcome plan?

Attendance at school or other educational institution, passing exams or attaining particular grades in subjects isn’t appropriate elements of an outcome plan.

It’s not reasonable for criminal justice system to create expectations about education especially if young person has a history of non-attendance.

Curfews/ prohibitions on type of friends young person may have aren’t appropriate elements of an outcome plan. Both represent infringements of civil liberties that are impractical to enforce, intrusive and inevitably counter-productive.

An activity that addresses underlying concern (boredom, association with perceived undesirables) in a positive and practical fashion is a preferable outcome. Conferences should seek to build better relationships.

Components of outcome plans

Conference participants must be clear about what:

- tasks are included
- how and by when they’ll be completed
- what resources and support will be required
- what will constitute “satisfactory completion” of each part of plan.

Outcome plans must specify start, review and finish dates and maximum hours young person must undertake work for victim/ community.

It’s imperative participants are clear about date outcome plan must be completed.
Outcomes involving making of written apologies

Young person’s literacy level should be taken into account where a written apology is considered. Where young person’s literacy level is low, but a written apology is considered appropriate, outcome plan should identify someone to assist young person to write apology. As an alternative, a drawing/painting or some other creative approach to providing an apology may be considered.

Outcomes involving reparation to victim / community

These may include activities to be undertaken by young person and/or include financial reparation. There may also be participation by young person in a program or actions towards community integration.

Activities to be undertaken by young person

Conference process provides an opportunity for community to reclaim justice process. It's not a substitute for a court process. Conference participants should be discouraged from replicating court orders especially by imposing community work. As Young Offenders Act 1997 contemplates making reparation to victim, this should be focus of consideration of activities to be performed by young person.

Activity should be directed to meet needs of victim and performed directly for victim. Victim may elect to nominate a community agency as a substitute if victim doesn't want activities performed directly for them.

Maximum number of hours

Where activity for the community or victim is included in outcome plan it must be able to be completed in less than 70 hours. Such a component of an outcome plan should be only agreed to by participants in most exceptional circumstances – that is, for most serious offence.

A young person should have opportunity (and be encouraged to take opportunity) to obtain legal advice about appropriateness of any activity that can’t be completed in a single session.

Again, participants may be reminded by Convenor of potential for Assistant Manager (YJC) to reconvene a conference or Court to not approve an outcome plan, if any outcome task doesn’t comply with these guidelines.

Financial reparation

Reparation isn’t necessarily financial. However, in some cases payment of money may be considered and agreed.

Compensation

‘Compensation’ is nearest equivalent in Court practice to ‘financial reparation’. If Children’s Court makes an order under a paragraph of section 33 (1) it may, under section 71 or 77B of Victims Support and Rehabilitation Act 1996, give a direction for payment of compensation by person.

By virtue of section 52(6) of Young Offenders Act 1997, provisions on criminal compensation are applicable in a conference when considering any financial reparation.

Maximum amount of compensation that may be awarded under Victims Support and Rehabilitation Act 1996 is:
(a) the amount that is equivalent to 10 penalty units (in the case of a person who is under the age of 16 years at the time the order is made),

or

(b) the amount that is equivalent to 20 penalty units (in any other case).

As a conference can't impose a sanction more severe than might have been imposed in court proceedings it must take into account practices set out above.

**Note:** Part 2, Section 17 of the *Crimes (Sentencing Procedure) Act* 1999 defines a penalty unit as ‘an amount of money equal to the amount obtained by multiplying $110 by the number of penalty units.

### Limits to financial reparation

An outcome plan mustn’t contain an agreement for financial reparation in excess of $1100.

Young person should be strongly encouraged to obtain legal advice if it appears an outcome plan may contain an agreement for financial reparation.

A conference (and Convenor) must be satisfied such an agreement is realistic and relevant, that is, within young person’s means and commensurate with nature of offence.

It’s Convenor’s responsibility to point out these matters to all conference participants in preparation phase, where reparation might be an issue. In preparation, Convenor must also inform victims of victim’s compensation generally, and provide them with information about any entitlement to claim e.g. a victim of an act of violence.

Victims of offences that don’t involve violence (e.g. damage to property/ stealing) may still take legal action to recover damages not covered by insurance.

Attendance at a conference doesn’t remove a victim’s right to:

- claim compensation
- to sue for damages
- make an insurance claim.

Insurers will reduce payment they make to insured victims in proportion to any payment received as a result of a conference outcome.

However a victim isn’t entitled to ‘double-dip’ (receive payment or reimbursement for loss twice). If a victim is seeking financial reparation from a conference, Convenors should ensure during preparation stage that:

- victim provides some satisfactory evidence of their loss
- makes declaration of any compensation received from any other source.

Such evidence should be recorded in CIMS referral notes. Clarification of this issue should occur during preparation stage, as it shouldn’t be raised as an issue during conference.

**Money orders**

Where conference decides money should be paid and conference can’t identify a more appropriate arrangement, use of money orders in name of victim passed on through Assistant Manager (YJC)’s office is often an easy and secure option. This is only an option if victim consents to young person knowing their name.
If the victim does not consent to the young person knowing their name, the young person may purchase a money order payable to Juvenile Justice. This should then be sent to the Assistant Manager (YJC) with a covering note identifying the young person and conference date. The money order will then be exchanged for one made out in the victim’s name. Cheques made payable to Juvenile Justice should not be accepted.

**Participation by young person in a program & actions towards community integration**

Care should be taken to ensure these types of outcomes aren’t too onerous. For instance, it may be appropriate to require young person to make contact with a program/attend an initial interview. Counselling, alcohol and other drug rehabilitation programs are generally only effective if young person participates voluntarily and willingly. If conference is considering a particular program, it’s more appropriate for inclusion in recommendations from conference. If an outcome plan does contain reference to attendance, it should be restricted to attendance at an initial session/introductory session so young person can make an informed decision about attendance. Where Convenor anticipates a referral to a particular service, they should confirm with particular service their referral guidelines and length of waiting periods.

**OHS Considerations in development of outcome**

Under *Young Offenders Act* 1997 there’s a responsibility for ensuring conferencing outcomes are realistic, appropriate and not more severe than court would impose. Realistic and relevant includes health and safety concerns. Convenors, Assistant Managers (YJC) and any business, organisation/community group agrees to host a young person as part of an outcome plan, have a shared responsibility for young person’s safety in completion of an outcome plan.

**S.M.A.R.T.S**

S.M.A.R.T.S is the acronym used to remind us what constitutes a good outcome plan and includes health and safety factors:

- **S** Specific
- **M** Measurable & monitored
- **A** Achievable & appropriate
- **R** Realistic & relevant
- **T** Time-framed
- **S** Safe & supported

Outcome tasks must be “realistic and appropriate” (section 52(6)). In OHS terms, this means:

1. tasks must be appropriate to age/level of development of young person;
2. conference participants must consider if a task is safe or has any adverse health risks;
3. young person must have capacity to complete task in safety, and
4. health and safety procedures and appropriate supervision must be discussed, agreed and arranged before young person commences task/s.
Specific details
At the conclusion of the conference the outcome plan should be signed by the young person, monitor(s), any victim party to the agreement, the parent/carer of the young person and the convenor (see Conference).

Plan should contain specific details concerning each action young person must complete. It should also include details of support/monitoring arrangements agreed to at conference.

Review dates
Plan must indicate review dates for each part of outcome plan. Monitor/person responsible for supporting young person to complete plan must contact Assistant Manager (YJC), or delegate, on each specified review date to report progress. Start date for plan will depend on referral source.

Form and frequency of monitoring will depend on nature and content of outcome plan. The Youth Justice Conferencing Officer (YJCO) will be primarily responsible for monitoring whether an outcome plan is being completed according to the written agreement. In the absence of a YJCO, the Assistant Manager (YJC) will perform this function.

The primary contact for the YJCO will be the nominated outcome plan monitor(s). Direct contact with the young person should only be made where the monitor is not available or when it is determined that a reminder letter or warning notice is to be sent.

Where a court has referred matter, 15 working days should be allowed before plan starts to allow referral back to court and for court to communicate its acceptance or rejection of plan.

Where an outcome requires young person to attend a program or perform tasks review date should be set to give young person sufficient opportunity to commence action, allow problems to be identified and support provided by monitor to assist young person meet their obligations.

Incremental review dates should be set where appropriate.

Recommendations & referrals
Participants at a conference may agree to any decisions or recommendations as they see fit. Any decision that requires compliance of young person must be included in outcome plan (section 52(1)).

Quite separate from outcome plan, conference participants may also identify a number of welfare issues. Participants may wish to make recommendations or referrals to enable young person to address these. These recommendations or referrals aren’t to be included in outcome plan, but rather, in Recommendation Sheet. Such recommendation(s) must specify exactly what action(s) should be taken, and who’s responsible for ensuring action(s) is taken. The Recommendation Sheet must be completed at same time in conference as outcome plan.

There’s no legal consequence if recommendations aren’t completed. Recommendation Sheet isn’t to be provided to court. Assistant Managers (YJC) may refer to recommendations made, in CIMS Notice – Provision to Court of Outcome Plan if needed. However, this is only in a general sense and only where it’s considered essential information for a magistrate to approve an outcome plan.
Issues with outcome plans

Reconvening a youth justice conference
An Assistant Manager (YJC) may reconvene a conference on their initiative or at the request of at least two participants. This may be to reconsider any aspect of an outcome plan or a recommendation that was made at a youth justice conference.

A reconvened conference is one where participants meet together again in person. Phone conversations between participants and the Assistant Manager (YJC) about aspects of outcome plans are not regarded as ‘reconvening’.

Considering reconvening a conference
Triggers that will lead an Assistant Manager (YJC) to consider whether to reconvene a conference include:

1. Issues regarding the conference process or outcome plan are raised during debrief or by participants.
2. An outcome plan contains components that are expressly prohibited in the guidelines or exceed legislative provision – see Resources | Management and conduct of conferences | Outcomes | Developing outcome plans and section 52 YOA / Clauses 6 - 9 YOR.
3. An outcome plan agreed to at a youth justice conference becomes unsuitable or unworkable during the term of the outcome plan.

In deciding whether to reconvene a conference, an Assistant Manager (YJC) must consult with any victim that attended the conference.

In order to reconvene a conference the AMYJC must be satisfied:

• the outcome plan/ an aspect of outcome plan has become unsuitable /unworkable; or
• it’s in the interests of justice to reconvene

In considering whether to reconvene a conference the Assistant Manager (YJC) may take into account:

• the number of outcome plans tasks the young person has satisfactorily completed;
• whether any steps have been taken towards completing the incomplete outcome plan tasks;
• whether the issue is through no direct fault of the young person
• steps the young person has taken to desist from offending.

Consultation with victim/other participants
When consulting with a participant regarding whether a conference should be reconvened an Assistant Manager (YJC) may give their opinion as to whether reconvening is the most appropriate course of action.

All contacts with the victim/other participants must be recorded on CIMS.

Decisions at a reconvened conference
At a reconvened conference, participants may agree to vary/replace the previously agreed plan.

For an outcome plan to be varied/replaced participant’s consensus in the reconvened conference is preferred. However, the child/any victim who personally attends the reconvened conference has the right to veto the whole of the outcome plan/any decision to be contained in it.
The Young Offenders Act 1997 applies to reconvened conferences in the same way it does to initial conferences.

**Court referrals**

Amended outcome plans resulting from a reconvened conference (that have been previously approved by the Court) must be resubmitted for court approval.

**Making minor modifications to an outcome plan**

The Assistant Manager (YJC) may in limited circumstances, make minor modification to an outcome plan. Examples of such situations include:

1. amending the host agency where the young person will be undertaking work;
2. extending a task end date (e.g. to accommodate specific program dates that may have changed since the conference was held);
3. amending the service where the young person was to attend an activity/appointment/program;
4. appointing a new monitor/support person;
5. modifying the outcome plan task to meet safety requirements;
6. making direct substitution of tasks where the intent of the task has been fulfilled by some other means (e.g. the young person was to complete a job training program but has found employment in the mean time and has been able to provide evidence of employment or where the young person was to attend TAFE but has gone back to school etc).

In these circumstances,

1. further approval of the outcome plan by the court (if referred by the court) is not required.
2. victim consultation is not required unless the victim is directly affected or the modification extends the original end date of the outcome plan.
3. Regional Director approval is required when any modified end date extends completion of the outcome plan beyond six months see Clause 6, Young Offenders Regulation 2010.

**Deeming an outcome plan ‘satisfactorily complete’**

1. When the outcome plan exceeds legislative limits / includes components specifically excluded under the guidelines the Assistant Manager (YJC) has no alternative but to reconvene the conference.
2. Where a young person subject to an outcome plan fails to complete for reasons of non-compliance the Assistant Manager (YJC) has no alternative but to finalise the matter as ‘Fail to Complete Outcome Plan’ following exhaustion of the warning process.
3. The Assistant Manager (YJC) has limited discretion to deem an outcome plan satisfactorily completed under the Young Offenders Act 1997 if all of the following elements are present:
   - the outcome plan has become unworkable or unsuitable and,
   - the outcome plan is substantially complete and
   - it is in the interests of justice to do so.

In the interests of accountability and scheme integrity, any attending victim, the Area Manager and the referring body must be apprised of the reasons why a decision has been taken to deem a matter complete in these circumstances.
Conference Outcomes

When to use this procedure

Use this procedure when:

• guiding youth justice conference participants in making decisions about what may be included in an outcome plan;
• monitoring outcome plans, and
• when considering whether to reconvene a conference to reconsider any aspect of outcome plan and/or recommendation that is/has become unsuitable and/or unworkable.

Before using this procedure

First time using this procedure? See and understand:

• Duty of care
• General information regarding outcome plans
• Developing outcome plans (including):
  o Considerations
  o Questions to test outcome plans
  o What shouldn’t be in an outcome plan
  o Components of outcome plans
  o Outcome plans involving making of written apologies
  o Outcomes involving reparation to victim/community
  o Activities to be undertaken by young person
  o Maximum number of hours
  o Financial reparation
  o Compensation
  o Limits to financial reparation
  o Participation by young person in a program &/or actions towards community integration
  o OHS Considerations in development of an outcome plan
  o SMARTS
o Specific details
o Review dates
o Recommendations & referrals

• Issues with outcome plans
  o Reconciling a youth justice conference
  o Considering reconvening a conference
  o Consultation with victim & other participants
  o Decisions at a reconvened conference
  o Court referrals

• Making minor modifications to an outcome plan

• Deeming an outcome plan 'satisfactorily complete'

Start using this procedure

Your responsibilities
Find your role. Find what you need to do.

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<th>Role</th>
<th>When required</th>
<th>Responsibilities</th>
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<td>Conference Convener</td>
<td>Always</td>
<td>Conference Convener steps</td>
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<tr>
<td>Assistant Manager (YJC)</td>
<td>Always</td>
<td>Assistant Manager (YJC) steps</td>
</tr>
<tr>
<td>Youth Justice Conferencing (YJC) Officer</td>
<td>Always</td>
<td>YJC Officer steps</td>
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<tr>
<td>Administrative Assistant</td>
<td>Always</td>
<td>Administrative Assistant steps</td>
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<tr>
<td>Area Manager</td>
<td>Always</td>
<td>Area Manager steps</td>
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<tr>
<td>Regional Director</td>
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<tr>
<td>Assistant Regional Director</td>
<td>Always</td>
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Procedure for Youth Justice Conferencing
Juvenile Justice

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Procedural steps

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<th>Role</th>
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<tr>
<td>Conference Convenor</td>
<td><strong>General information regarding outcome plans</strong></td>
</tr>
<tr>
<td></td>
<td>1. Actively encourage participants, particularly young person / victim to participate in decision making process.</td>
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<td></td>
<td>2. Facilitate agreement by consensus concerning outcome plan.</td>
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<td>3. Ensure discussion is limited to issues contributing to / arising from specific offence / subject of conference.</td>
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<td>4. Present/ request a participant to present, view of those who might otherwise have attended as participants but couldn’t e.g. a police officer may present view of a victim who doesn’t attend.</td>
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**Developing outcome plans**

Questions to test outcome plans

1. Refer to suggested questions to test outcome plans.

Components of outcome plans

1. Inform conference participants an Assistant Manager (YJC) may reconvene a conference if outcome plan doesn’t comply with guidelines set out in this manual (see Youth Justice Conferences).

2. Ensure conference participants are clear about:
   - what tasks are included
   - how / by when they’ll be completed
   - what resources / support will be required
   - what will constitute “satisfactory completion” of each part of plan.

3. Ensure outcome plans specify start, review and finish dates and maximum hours young person must undertake work for victim / community.

Outcomes involving making of written apologies

1. Instruct young person that apology letter must be sent to YJC office for forwarding to victim.

2. Include address of relevant YJC office on outcome plan.

3. Ensure a conference monitor assists with delivery, if possible.
Financial reparation

1. **Ensure** provisions ([Section 52(6) of YOA](#)) on criminal compensation are applicable in a conference when considering any financial reparation.

2. **Ensure** method of payment is discussed.

**Note:** Where Juvenile Justice is preferred receiver of financial reparation payments, they should be made in the form of a money order made out to the victim’s full name (when consent has been given) or Juvenile Justice (when consent is not provided).

OHS considerations in development of outcomes

1. **Reality test** outcome plan tasks for a range of safety considerations.

2. **Determine** whether young person is capable of/ suitable for safely undertaking proposed outcome plan tasks.

3. **Look** into factors such as:
   - young person’s age
   - young person’s health
   - physical/ intellectual development
   - any disabilities.

4. **Consider** nature of proposed workplace such as:
   - location
   - ownership
   - on-site supervision
   - training
   - existing OHS arrangements
   - any equipment young person will use/ will be in use near young person.

5. **Ensure** there’s adequate supervision and monitoring. This may include:
   - induction procedures
   - reporting and recording attendance
   - contingencies if problems arise.
<table>
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<tr>
<td>6. Identify need for Personal Protective Equipment (PPE), such as protective shoes/clothing and make sure responsibility for provision of such equipment is determined at the conference wherever possible.</td>
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<tr>
<td><strong>Note:</strong> Where the issue of provision of PPE cannot be resolved at the conference this should not negate the validity of a particular task. The convenor must advise the Assistant Manager (YJC) of the need for PPE as soon as practicable after the conference.</td>
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<tr>
<td>7. Ensure any business, organisation/community group that agrees to host a young person under terms of an outcome plan understands their liability/responsibility under OHS legislation.</td>
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### Documenting & disseminating outcome plan

**People you need:**
- Assistant Manager (YJC)

1. **Notify** Assistant Manager (YJC) of outcome plan agreed at conference (section 52(7)).
2. **Record** outcome plan on approved carbonated form provided by AM (YJC).

### Records & dissemination

**People you need:**
- Assistant Manager (YJC)

1. **Submit** these to Assistant Manager (YJC) within five days from date of conference:
   - original copy of outcome plan
   - convenor invoice for services
   - running sheets
   - attendance sheet
   - any associated documents
   - any additional reports
2. **Complete** attendance sheet at conference.
3. **Ensure** contact details/addresses of participants are all provided.

**Note:** Participants don’t enter their details on attendance sheet as this
Role | Responsibilities
--- | ---
 | would be a breach of confidentiality.
4. **Undertake** these actions at after conference:
  - carefully explain outcome plan / consequences of not completing it to young person
  - remind all participants of their legal obligations to maintain confidentiality
  - remind other participants of roles/outcomes they have agreed to, including providing monitoring persons with appropriate information brochure
  - provide copies of plan to young person, victim, monitor and any other signatory to plan at conference.

**Assistant Manager (YJC)** | **Regulated outcomes**
--- | ---
1. Ensure outcome plans agreed to at conferences convened for bushfire/arson offences / graffiti related offences comply with relevant regulation.

*Note:* [Clause 8, Young Offenders Regulation 2010](#) applies to conferences held for bushfire/arson related offences while Clause 9 applies to graffiti related offences.

**Extension of statutory time limit**

People you need:
  - Area Manager
  - Regional Director/Assistant Regional Director

1. **Comply** with legislative requirement that outcome plans are completed within six months.
2. **Seek** approval of any extensions beyond this time limit from Assistant Regional Director/ Regional Director through Area Manager.

**OHS Considerations in the development of Outcomes**

1. **Reject** outcome plans that don’t meet OHS safety standards.

**Records & disseminating outcome plan**

1. **Provide** Convenors with a carbonated book to record Outcome
Role | Responsibilities
--- | ---
 | Plan, as appropriate.

**Note:** Outcome Plan books remain the property of Juvenile Justice. Any incomplete outcome plan books must be returned by convenors upon resignation or expiration of appointment.

**Court referrals**

1. **Refer** outcome plan back to court using CIMS Provision of Outcome Plan.
2. **Ensure** court is satisfied a conference has met all requirements for a properly prepared/ facilitated conference as set out in *Young Offenders Act 1997*.
3. **Provide** court only with additional information, as required.

**Note:** Additional information isn’t to be routinely provided, and when it is, it must be provided in a short paragraph(s) in body of report to Court itself. Such information might include:

- notes on victim participation
- some background on outcome plan tasks that may seem unusual/ inappropriate
- other aspects related to process, rather than content of conference.

**Note:** Convenor post conference reports must not be submitted to the Court. The purpose of these reports is to inform the Assistant Manager (YJC) of the conference process.

4. **Comply** with requests from Magistrates who request a report be provided in interests of maintaining satisfactory professional relationships with local magistrates.
5. **Ensure** such reports comply with these guidelines:

   - written by Assistant Manager (YJC), after feedback/consultation with Convenor.
   - contents are limited to matters outlined above e.g. on issues related to process not content, victim participation, background on unusual/ inappropriate outcomes.

**Note:** Such reports aren’t an opportunity to relay to magistrate contents of conference / make value judgements on participants. In particular they aren’t about behaviour of young person before/ during conference. Court may approve plan/ continue proceedings. Courts must notify
### Role | Responsibilities
--- | ---

Assistant Manager (YJC), in writing, of decision.

6. **Notify** Convenor/ all conference participants when a court doesn’t approve plan.

**Records & dissemination of outcome plan**

1. **Ensure** a copy of outcome plan is provided to court attached to CIMS Form Provision of outcome plan to the court.

2. **Ensure** any information concerning referrals arising from conference to relevant participant within seven days.

3. **Verify** complete CIMS records.

**Monitoring of outcome plans**

1. **Exercise** discretion to vary task to help young person complete outcome e.g. intent of outcome plan task is clear but impossible for young person to complete through no fault of their own (e.g. outcome plan was specific about which agency they must attend and for reasons related to agency this isn’t possible. If so, another agency may suffice).

2. **Inform** court when changes are made to an outcome plan already approved by a court.

3. **Keep** any attending victim informed, as necessary, when the time a young person can complete outcome plan is extended and approved. Like outcome plan tasks, completion dates set by conference participants must be regarded as part of agreed elements of outcome plan.

**Note:** Formal notice to victims in these circumstances is not required but victims who enquire about the progress of an outcome plan they are a signatory to must be provided with relevant information.

4. **Consider** whether it’s appropriate to reconvene a conference if outcome plan/some aspect of it has become unworkable/ exceeds limits outlined in these guidelines.

**Warning process**

1. **Ensure** warning processes are followed if young person fails to adhere to workable outcome plan agreement (in an attempt to re-engage young person / give them opportunity to successfully complete their outcome plan)

**Note:** CIMS requires Assistant Manager (YJC) approval of all letters prepared by the YJC Officer.
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<th>Role</th>
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<tr>
<td><strong>Final warning</strong></td>
<td>1. Approve final warning to young person/ copy to monitor regarding consequences of not completing plan if young person has failed to satisfactorily undertake workable outcome plan.</td>
</tr>
</tbody>
</table>
| **Failure to complete** | 1. Approve relevant CIMS Notice of failure to complete outcome plan if young person fails to satisfactorily complete plan.  
2. Approve CIMS file notes to explain action taken.  
3. Approve notice to referring body with sufficient detail about measures taken to support young person to complete outcome plan tasks so they can make a decision. If court is referring body, referral status on CIMS is left as ‘conference held – open’.  
4. Follow up Court outcome. |
| **Satisfactory Completion** | People you need:  
- Conference Convenor  
1. Approve relevant CIMS satisfactory completion of outcome plan if young person has satisfactorily completed outcome plan.  
2. Verify CIMS notes include all contacts with monitor / host agency confirming completion of outcome plan.  
3. Verify secondary confirmation of completion if monitor is a parent/carer of young person, if possible.  
4. Verify written confirmation from host agencies – see Confirmation of completion of outcome task & Program hours attendance sheet.  
5. Approve written notice of whether or not outcome plan has been satisfactorily completed by young person to:  
  - young person  
  - any victim  
  - referring person/ body  
  - Criminal Records Unit  
  - Conference Convenor. |
<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Considering reconvening a conference</strong></td>
<td></td>
</tr>
<tr>
<td>1. <strong>Consider</strong> if a youth justice conference should be reconvened when:</td>
<td></td>
</tr>
<tr>
<td>• issues are identified with the conference process or outcome plan;</td>
<td></td>
</tr>
<tr>
<td>• one or more conference participants request for the conference to be reconvened to consider an aspect of the outcome plan and/or recommendation;</td>
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</tr>
<tr>
<td>• the outcome plan has become unsuitable or unworkable for reasons other than a young person’s non-compliance.</td>
<td></td>
</tr>
<tr>
<td>2. <strong>Consult</strong> with any victim that agreed to the outcome plan by telephone to explain the reasons why a reconvened conference may be necessary.</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Record</strong> the victim’s preferred course of action to the issue.</td>
<td><strong>Note:</strong> if contact via telephone is not possible a letter should be sent to the victim’s last known address.</td>
</tr>
<tr>
<td>4. <strong>Consult</strong> with other original conference participants as considered appropriate.</td>
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</tr>
<tr>
<td>5. <strong>Determine</strong> the course of action, taking into account victim’s opinion.</td>
<td></td>
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<tr>
<td>6. <strong>Record</strong> reason(s) for determination.</td>
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<tr>
<td>7. <strong>Advise</strong> the Area Manager of your determination and apprise them of any potential conflict.</td>
<td></td>
</tr>
<tr>
<td>8. <strong>Notify</strong> parties consulted of your decision within 14 days.</td>
<td><strong>Note:</strong> Depending on decision (A, B or C) the following steps are to be taken:</td>
</tr>
<tr>
<td><strong>A. Reconvene youth justice conference</strong></td>
<td></td>
</tr>
<tr>
<td><strong>People you need:</strong></td>
<td></td>
</tr>
<tr>
<td>• Conference Convenor</td>
<td></td>
</tr>
<tr>
<td>• Administrative Assistant</td>
<td></td>
</tr>
<tr>
<td>1. <strong>Allocate</strong> a conference convenor if determination is to reconvene.</td>
<td><strong>Note:</strong> Sec 55(1A) allows a conference administrator to appoint the same or a different conference convenor for a reconvened conference.</td>
</tr>
<tr>
<td>2. <strong>Brief</strong> the conference convenor on the specific reasons for reconvening.</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Consider</strong> the Outcome Plan agreed at the reconvened conference.</td>
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</tr>
<tr>
<td>4. <strong>Forward</strong> to the court for approval (Court referrals only).</td>
<td></td>
</tr>
<tr>
<td>5. <strong>Monitor</strong> completion of the outcome plan.</td>
<td></td>
</tr>
</tbody>
</table>
### B. Amend minor aspect of outcome plan without reconvening

1. **Consult** with victim when they will be directly affected or the modification extends significantly beyond the original end date of the outcome plan.
2. **Monitor** completion of plan in line with usual guidelines.
3. **Seek** Regional Director approval, through the Assistant Manager YJC/Area Manager, when any modified end date extends completion of the outcome plan beyond 6 months.

### C. Deeming the outcome plan 'Satisfactorily Complete'

1. **Prepare** notice to referring body informing of satisfactory completion of outcome plan.
2. **Include** in this notice reasons why the decision has been made.

### YJC Officer

[Assistant Manager YJC in the absence of a YJCO]

#### OHS Considerations in the development of Outcomes

**People you need:**
- Assistant Manager (YJC)
- Outcome Plan monitor

1. **Monitor** implementation/ completion of outcome plans.
2. **Refer** outcome plans that don’t meet OHS safety standards to the Assistant Manager (YJC).
3. **Follow up** on preliminary discussions Convenors often have with businesses, organisations/ other host organisations regarding safety arrangements of outcome plan tasks as directed by the Assistant Manager (YJC).
4. **Provide** copies of insurance certificate as requested.

5. **Conduct** risk assessments/ inspections where necessary.
6. **Prepare** letters/ information (including public indemnity) to hosting organisations relating to specific outcome plan tasks when appropriate.
7. **Ensure** businesses, organisations / community groups are aware of their responsibilities under OHS legislation.
8. **Ensure** any business, organisation/ community group that agrees to host a young person under terms of an outcome plan understands their liability and responsibility under OHS legislation.
### Court referrals

**People you need:**
- Assistant Manager (YJC)

1. **Prepare** CIMS Provision of Outcome Plan for Assistant Manager (YJC) approval.

2. **Include** court with additional information, as required.

**Note:** Additional information isn’t to be routinely provided, and when it is, it must be provided in a short paragraph(s) in body of CIMS Provision of Outcome Plan itself. Post conference reports completed by Conference Convenors are not to be submitted to court. Such information might include:

- notes on victim participation
- some background on outcome plan tasks that may seem unusual/inappropriate
- other aspects related to process, rather than content of conference.

3. **Prepare** notice to Convenor/all conference participants when a court doesn’t approve plan for Assistant Manager (YJC) approval.

### Records & dissemination of outcome plans

1. **Forward** any information concerning referrals arising from conference to relevant participant within seven days.

2. **Forward** forms, if appropriate, to programs young person has been referred to by conference. See Referral to community based program/service

3. **Update** CIMS with all referral details emanating from conference preparation, the conference itself and any referrals made post conference.

### Monitoring of outcome plans

**People you need:**
- Assistant Manager (YJC)
- Outcome Plan monitor(s)
- Outcome Plan support people

### Implementation & monitoring of completion of outcome plan

1. **Monitor** implementation/completion of outcome plan (section 56(1)).
<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In accordance with scheduled review dates.</td>
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<tr>
<td></td>
<td>2. <strong>Ensure</strong> review dates are diarised and adhered to.</td>
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<tr>
<td></td>
<td>3. <strong>Maintain</strong> extensive CIMS Notes relating to young person’s progress in completing outcome plan.</td>
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<tr>
<td></td>
<td>4. <strong>Consult</strong> with Assistant Manager (YJC) (and convenors, as required) to identify those young people with little, or no reliable adult support and work to provide direct assistance and referrals to ensure that these young people are able to complete their outcomes if they are committed to doing so.</td>
</tr>
</tbody>
</table>

**Reminders**

**People you need:**
- Assistant Manager (YJC)

1. **Contact** monitor directly when monitor/young person has failed to make contact on recorded review date.

2. **Speak** with young person if appropriate.

**Note:** The key contacts when monitoring outcome plans is the monitor/support people. Direct contact with a young person should only be made when key contacts are unavailable.

3. Prepare a reminder letter to both monitor/young person for Assistant Manager (YJC) approval – see *Reminder to young person – review date has passed* and *Reminder to monitor* if direct contact isn’t possible/is unsuccessful.

**Warning process**

**People you need:**
- Assistant Manager (YJC)

1. **Employ** these processes if young person fails to adhere to workable outcome plan agreement (in an attempt to re-engage young person/give them opportunity to successfully complete their outcome plan):
   - **consult** with young person’s monitor, support persons/other appropriate conference participants throughout process
   - **initiate** warning process after attempts to discuss issues impacting on successful completion of outcome plan with both young person, monitor and young person’s parent/carer have failed.
<table>
<thead>
<tr>
<th>Role</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Initial warning</strong></td>
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</tr>
<tr>
<td><strong>People you need:</strong></td>
<td></td>
</tr>
<tr>
<td>• Assistant Manager (YJC)</td>
<td></td>
</tr>
<tr>
<td>1. <strong>Prepare</strong> initial warning letter for Assistant Manager (YJC) approval.</td>
<td></td>
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<tr>
<td>2. <strong>Issue</strong> young person with the warning letter, and</td>
<td></td>
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<tr>
<td>3. <strong>Send</strong> relevant monitor a letter seeking their support to help young person complete their outcome plan (if young person seems at risk of failing to complete a workable outcome plan/ has failed to respond to attempts at direct contact and a reminder letter).</td>
<td></td>
</tr>
<tr>
<td><strong>Final warning</strong></td>
<td></td>
</tr>
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</tr>
<tr>
<td>• Assistant Manager (YJC)</td>
<td></td>
</tr>
<tr>
<td>1. <strong>Prepare</strong> final warning, for approval of Assistant Manager (YJC), to young person/ copy to monitor regarding consequences of not completing plan if young person has failed to satisfactorily undertake workable outcome plan.</td>
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</tr>
<tr>
<td>2. <strong>Ensure</strong> final warning is sent via registered mail.</td>
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<tr>
<td><strong>Failure to complete outcome plan</strong></td>
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</tr>
<tr>
<td><strong>People you need:</strong></td>
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</tr>
<tr>
<td>• Assistant Manager (YJC)</td>
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<td>2. <strong>Make</strong> CIMS file notes to explain action taken.</td>
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<td>3. <strong>Provide</strong> Assistant Manager (YJC) with sufficient detail about measures taken to support young person to complete outcome plan tasks so they can make a decision.</td>
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<td><strong>Note:</strong> If court is referring body, referral status on CIMS is left as ‘conference held – open’. until the outcome at court is confirmed.</td>
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<td><strong>Satisfactory Completion</strong></td>
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<td><strong>People you need:</strong></td>
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<td></td>
</tr>
<tr>
<td>1. <strong>Prepare</strong> for Assistant Manager (YJC) approval relevant CIMS satisfactory completion of outcome plan if young person has satisfactorily completed outcome plan.</td>
<td></td>
</tr>
<tr>
<td>Role</td>
<td>Responsibilities</td>
</tr>
<tr>
<td>-------------------------------</td>
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<td>2. <strong>Ensure</strong> CIMS notes include all contacts with monitor / host agency confirming completion of outcome plan.</td>
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<td>3. <strong>Obtain</strong> secondary confirmation of completion if monitor is a parent/carer of young person.</td>
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<td>4. <strong>Obtain</strong> written confirmation from host agencies – see <a href="#">Confirmation of completion of outcome task &amp; Program hours attendance sheet</a>.</td>
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<td>5. <strong>Prepare</strong> written notice, for Assistant Manager (YJC) approval, of whether or not outcome plan has been satisfactorily completed by young person to:</td>
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<tr>
<td></td>
<td>• Conference Convenor.</td>
</tr>
</tbody>
</table>

**Administrative Assistant**

**Records & dissemination of outcome plans**

*People you need:*

- YJC Officer
- Assistant Manager (YJC)

1. **Maintain** a register of outcome plan books provided to Convenors.
2. **Request** outcome plan books are returned upon a convenor’s resignation/expiration of appointment.
3. **Provide** a copy of outcome plan to court attached to CIMS Form Provision of outcome plan to the court once approved by Assistant Manager (YJC).

**Receipt of money orders**

*Money orders made out to third party*

1. Attach a copy of any money order received as payment of reparation to client file.
2. Record date/amount of payment/method of payment on CIMS as a referral note and forward to YJC Officer.
3. Send letter to payer acknowledging receipt of payment/date of receipt.
4. Prepare money order for forwarding to payee with explanatory letter.
### Role | Responsibilities
--- | ---
 | signed by YJC Officer.

**Money orders made out to ‘Juvenile Justice’**

1. Exchange money order for a money order in the name of the person due the reparation as recorded on the outcome plan.
2. Copy new money order/receipt and attach to client file.
3. Send letter to payer acknowledging receipt of payment/date of receipt.
4. Record date/amount of payment/method of payment on CIMS as a referral note and forward to YJC Officer.

**Note:** Cheques payable to Juvenile Justice should not be accepted & returned to the issuer with an explanatory letter and instructions to forward payment in the form of a money order payable to Juvenile Justice.

### Area Manager

**Extension of statutory time limit**

**People you need:**
- Assistant Regional Director
- Regional Director

1. Seek approval of any extensions beyond this time limit from Assistant Regional Director/ Regional Director.

**OHS Considerations in development of outcomes**

1. Ensure any business, organisation/community group that agrees to host a young person under terms of an outcome plan understands their liability/responsibility under OHS legislation.

### Regional Director/Assistant Regional Director

**Extension of statutory time limit**

1. Provide written approval of decisions to extend outcome plan completion date beyond six months.
References

Related procedures

- Conference
- Occupational Health & Safety

Legislation

Young Offenders Act 1997
Young Offenders Regulation 2010

Forms used within this procedure

- Convenor Invoice
- Running sheet
- Attendance sheet
- CIMS Provision of Outcome Plan
- Referral to community based program/service
- Reminder to young person – review of outcome plan
- Reminder to outcome plan monitor
- CIMS notice of failure to complete outcome plan
- Program hours attendance sheet.
- Confirmation of completion of outcome task
- Warning letter to young person
- Final warning – Incomplete Outcome Plan
- Letter to attending victim advising outcome plan not approved
- Notice to Conference Convenor of final outcome
Change log

<table>
<thead>
<tr>
<th>Date</th>
<th>Reason for change</th>
<th>Details of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 October 2009</td>
<td>YJC Guidelines have been changed to reflect the staffing restructure within Juvenile Justice and the NSW Government Department changes.</td>
<td>Updated resources</td>
</tr>
</tbody>
</table>
| 14 December 2010   | • YJC Officer procedures  
• Reconvening conferences  
• Legislation          | • Procedures for Youth Justice Conferencing Officers  
• New sub heading – issues with outcome plans  
• Update reference to Young Offenders Regulation 2010 |